

Town of Ogden Dunes
115 Hillcrest Road
Ogden Dunes, Indiana 46368
219-762-4125



November 28, 2017

Mr. Robert A. Kaplan
Acting Regional Administrator
US EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

US EPA RECORDS CENTER REGION 5



568023

Mr. Bruno L. Pigott
Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204

Dear Acting Administrator Kaplan and Commissioner Pigott:

The purpose of this letter is to express our support for an enforcement action relating to the pattern of permit exceedances and violations of the Clean Water Act by U.S. Steel Midwest, which has a National Pollutant Discharge Elimination (NPDES) permit, No. IN0000337, issued by the Indiana Department of Environmental Management (IDEM).

It was recently brought to our attention by the Abrams Environmental Law Clinic at the University of Chicago and *The Times of Northwest Indiana* that U.S. Steel Midwest exceeded its permit limitations for chromium for the third time this year. From what we can discern in the enclosed notices found on IDEM Data, previous spills were reported to IDEM in January 2017, April 2017, and October 2017. As a follow-up to our May 16, 2017 letter to Andrew Maguire at EPA regarding the April spill of hexavalent chromium into Burns Waterway, and hence Lake Michigan, the Town of Ogden Dunes requests that the strongest possible enforcement action be taken by EPA and IDEM to protect our residents, our drinking water, area fish and wildlife, as well as the National Park that is adjacent to the U.S. Steel facility.

We believe a strong enforcement action is warranted here. Enforcement must get to the root of the problem and provide a sustainable solution so that situations like this can be avoided in the future. Yes, mistakes and mishaps can and will happen – but since this is the third violation of chromium permit limitations this year. U.S. Steel needs to immediately identify and resolve the root cause of these issues as well as train (or retrain) its staff to handle these situations, and how preventive maintenance and well-engineered systems can prevent exceedances. As importantly, the enforcement action must also ensure that U.S. Steel Midwest staff members are equipped to follow their spill response plan and procedures outlined in the NPDES permit.

After the exceedance in April 2017, EPA and the National Park Service took helpful steps to ensure the water column did not contain hexavalent chromium over the summer months. We were grateful for that effort and also that no hexavalent chromium was detected. Many of our residents, however, have continued to express concern about possible residue in the sand on our beach. We also request that a Supplemental Environmental Project (SEP) might be proposed as part of the enforcement action or settlement that provides clean sand on

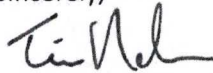
the Ogden Dunes and Portage Lakefront Site beaches to improve the condition of this area for humans as well as wildlife and fish that inhabit the area.

U.S. Steel has indicated in media reports that the most recent violation was too small to require proper notification of the Local Emergency Planning Committee because it does not constitute a "spill". Regardless, because this facility is designated for emergency planning purposes, releases of hexavalent chromium should be subject to emergency planning requirements per the Emergency Planning and Community Right-to-Know Act even though hexavalent chromium does not appear on Appendix A to Part 355 (list of Extremely Hazardous Substances and Their Threshold Planning Quantities). Even with the larger spill back in April we cannot say with confidence that the Town and Indiana American Water, from where our drinking water is purchased for the Town, were properly notified.

We request that EPA and/or IDEM commence an enforcement action as soon as possible. We are fortunate to be able to utilize the resources of Lake Michigan for our drinking water, recreation and enjoyment. It is a precious resource that deserves our utmost care and respect. Accordingly, we look forward to the opportunity in the future to comment upon any enforcement action undertaken by EPA and wish to be notified when an enforcement action is commenced.

If you would like to discuss this matter, I can be reached at tim.nelson@ogdendunes.in.gov or (773) 793-3155.

Sincerely,



Timothy Nelson

President, Ogden Dunes Town Council

cc: Andrew Maguire, EPA
The Honorable Peter J. Visclosky
Hala Kuss, Northwest Indiana Regional Office of IDEM
Senator Karen Tallian, Senate District 4
Natalie Johnson, Save the Dunes
Kathryn Kniola, Ogden Dunes Town Council

Town of Ogden Dunes
115 Hillcrest Road
Ogden Dunes, Indiana 46368
219-762-4125



May 16, 2017

Mr. Andrew Maguire
On-Scene Coordinator
EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604
maguire.andrew@epa.gov

Dear Mr. Maguire:

The purpose of this letter is to follow up on the April 11, 2017 spill of hexavalent chromium by U.S. Steel Midwest into Burns Waterway in Portage, Indiana. The Town of Ogden Dunes, which is situated just west of U.S. Steel Midwest, is an affected party for several reasons that need to be reiterated and emphasized with the EPA while it continues to conduct an investigation of the incident and while it monitors the situation on an ongoing basis.

Of gravest concern are the immediate and potential impacts of spills like these on the drinking water for the Town and surrounding communities. Hexavalent chromium is an extremely toxic form of chromium that is known to cause cancer, even at very low concentrations. This particular spill occurred within a mile of the intake for water that is processed by Indiana American Water and then distributed by Ogden Dunes Waterworks to our residents.

We were fortunate that this spill occurred in early spring when people were not generally frequenting our beach. We were also fortunate the plume from Burns Waterway was not hugging the shoreline that day, as can happen when winds are light and persistent from the northeast. It is our understanding that the National Park System is demanding ongoing testing of the sand on its beaches; we concur with the National Park System on this point. Nevertheless, please be aware that our residents are still expressing ongoing concern about impacts to the beach, and they must have assurance and documentation that the beach sand is clean and safe.

Notification is another concern that needs to be addressed, even if U.S. Steel Midwest correctly notified IDEM in accordance with its National Pollution Discharge Elimination System (NPDES) permit. As evidenced by a letter to IDEM by U.S. Steel Midwest in January 2017, this isn't the first time an emergency spill of hexavalent chromium was reported to IDEM. In this case, neither the Town of Ogden Dunes nor the Ogden Dunes Waterworks were notified that their source of drinking water, the lake and Town were potentially impacted.

Accidents can occur no matter the number of safety precautions taken, no matter how well-trained the plant's employees may be, and no matter how well U.S. Steel Midwest might be prepared to manage an emergency situation. The Town, the Ogden Dunes Waterworks and Indiana American Water all need to be notified in a timely manner. Emergency preparedness and timely communication are critically important since hexavalent chromium is just one of several dangerous substances that could potentially

harm our residents, as evidenced by what is listed in their NPDES permit. We welcome any input you may have regarding the best practices that should be adopted with respect to notification.

If there is an enforcement action, which at this point we believe is warranted based on feedback from the Town's Environmental Advisory Board, the Town of Ogden Dunes requests to be part of the settlement, including, without limitation, a condition of settlement that would establish a Supplemental Environmental Project that seeks to improve, protect or reduce risks to public health or the environment. We also request a maintenance schedule that demonstrates U.S. Steel Midwest's commitment to maintaining their systems so that future spills can be prevented. This is what a good neighbor would do.

Finally, we respectfully request confirmation that the sand on the Ogden Dunes beach and the water will be tested and monitored at least through Labor Day 2017. We are in receipt of the U.S. Steel "Long Term Sampling and Monitoring Plan" dated April 25, 2017. This Plan focuses on testing of water; it does not reference testing of sand. In addition, it states that "sampling may be reduced or discontinued" prior to specified dates upon unanimous approval of the stakeholders. Notably, the Town is not identified as a stakeholder. We request that no testing of waters or sand in or near the Town be prematurely discontinued without the Town's consent.

If you wish to discuss this matter, you can reach me at 773-793-3155 or tim.nelson@ogdendunes.in.gov. Thank you for your attention to this matter and for all of the work you and the EPA have done so far in connection with this incident.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tim Nelson", with a stylized flourish at the end.

Timothy Nelson
President, Ogden Dunes Town Council

cc: Scott Lehmann, Town Council Member
Susan Mihalo, President, Environmental Advisory Board



United States Steel Corporation Gary Works
1 North Broadway, MS 70-A
Gary, IN 46402

*INmax337
Porter Co*

VIA CERTIFIED MAIL

January 24, ²⁰¹⁷ 2016

Dave Greinke
Office of Emergency Response
Indiana Department of Environmental Management
100 North Senate Avenue – Post Office Box 6015
Indianapolis, IN 46206

Re: United States Steel Corporation – Midwest Plant
Hexavalent Chromium Daily Max Limit Exceedance at Bubble Outfall 304

Dear Mr. Greinke,

This letter is to serve as a follow up to the phone call that was placed to the IDEM Emergency Response Office on Friday, January 20, 2017 regarding the Exceedance of the daily maximum limit at Bubble Outfall 304 for hexavalent chromium on the January 12, 2017 sampling event at the U. S. Steel – Midwest plant. Bubble Outfall 304 is a mathematically calculated combination of Internal Outfalls 104 and 204. Internal Outfall 104 is designed to receive the treated non-chrome contaminated wastewaters from all of the operations at the facility, and Internal Outfall 204 is comprised only of the effluent of the Chrome Treatment Plant, which is the wastewater treatment facility designed specifically to receive and treat chrome contaminated process water.

The January 12, 2017 sample for hexavalent chromium at Internal Outfall 104 was taken and analyzed by utilizing permit specified method EPA Method 218.6 by ALS Laboratory. The result was 0.033 mg/L, which after factoring in flow resulted in a loading of 2.371 lbs/day. There is no limit for hexavalent chromium at Internal Outfall 104; however, the calculated result at Bubble Outfall 304 for hexavalent chromium was 0.033 mg/L and 2.371 lbs/day. The daily maximum limit is 0.51 lbs/day at Bubble Outfall 304. There is no concentration limit.

The permit specified sampling method for hexavalent chromium is a grab sample. A composite sample taken on the same day and analyzed for Total Chromium resulted in a concentration of 0.027 mg/L, which when accounting for flow resulted in a loading of 1.97 lbs/day. This result is within the normal range for total chromium, and no corresponding spike in total chromium was observed on January 12, 2017. With such a high result for hexavalent chromium on January 12, U. S. Steel would have expected to see a significant spike in the total chromium result on the same day should there have been an ongoing release of hexavalent chromium through Outfall 104. This leads U. S. Steel to believe that the nature of the source of the hexavalent chromium which caused the exceedance to be transient, and not an ongoing or continuous issue.

This analytical result was received by U. S. Steel on January 20, 2017, at which time investigation into the cause of the exceedance immediately began. U. S. Steel had the sample rerun to verify the initial result. The rerun resulted in the same concentration. U. S. Steel Environmental Control personnel met with operating and maintenance management and reviewed operating logs and turn sheets from January 12. This review indicated nothing unusual that would have contributed to the exceedance. U. S. Steel Environmental Control personnel, along with operating and maintenance management, performed a thorough walkthrough of the Electrolytic Tinning Line basement, Tin-free Steel line (Chrome line) basement, the 72" Galvanizing line, the #3 Galvanizing line and all associated process tanks and piping that could potentially contain or convey chromium contaminated process materials or wastewater. Additionally a thorough walkthrough was performed of the Final Treatment wastewater treatment plant, the discharge of which makes up Internal Outfall



104. These walkthrough inspections did not result in finding any abnormal conditions which might explain the exceedance.

The January 19, 2017 sampling event for hexavalent chromium at Internal Outfall 104 came back non-detect. The final concentration and loading at Bubble Outfall 304 from this sampling event were <0.000055 mg/L and <0.004 lbs/day respectively. This provides further evidence of the transient nature of the issue which caused the exceedance on January 12, 2017.

As a result of the transient nature of the issue which caused the elevated result on January 12, U. S. Steel management is committed to performing a comprehensive review on all potential sources and routes of possible chromium contamination of wastewater discharge.

Should any new information relevant to the January 12 exceedance become apparent, U. S. Steel will evaluate that information as part of the investigation into the source of the hexavalent chromium. However, at this time the investigation into the source of the chromium is inconclusive.

If you have questions or concerns regarding this matter, please do not hesitate to contact me at 219-888-4793 or via electronic mail at BSMiller@uss.com

Sincerely,

A handwritten signature in black ink that reads "Brandon Miller".

Brandon S. Miller
Environmental Compliance
United States Steel Corporation
Gary Works, Midwest Plant, East Chicago Tin



United States Steel Corporation – Gary Works
One North Broadway, MS 70-A
GARY, IN 46402

ISEM
OFFICE OF
WATER QUALITY

2017 APR 19 P 2:18

VIA CERTIFIED MAIL

April 17, 2017

David Greinke
Office of Water Quality
Indiana Department of Environmental Management
100 North Senate Avenue – Post Office Box 6015
Indianapolis, IN 46206

Subject: United States Steel Corporation Gary Works – Midwest Plant
NPDES Permit IN0000337
Total Chromium and Hexavalent Chromium exceedances Outfall 304 and
Discoloration of Burns Waterway from Outfall 004

Dear Mr. Greinke

This letter is intended as an update to the five-day letter that was submitted on April 15, 2017 regarding a discoloration on Burns Waterway and total chromium and hexavalent chromium incident that occurred on April 11, 2017, at the United States Steel Corporation ("U. S. Steel") Gary Works – Midwest Plant ("Midwest") at outfall 304 (NPDES Permit IN0000337 effective April 1, 2016) and is based upon information available to U. S. Steel at this time. As previously reported, this incident involved the failure of an expansion joint.

Once repairs were made, U. S. Steel began a controlled, phased and highly monitored restart of its operations on April 14, 2017. The process began with a line-by-line restart of operations that do not use chromium in their processes. U. S. Steel took samples from the outfalls every two hours throughout that startup. All sample results showed that the outfalls were in compliance. On April 17, 2017, the process lines that contain chromium were started up in the same controlled, phased and highly monitored manner. U. S. Steel and participating government agencies have continued the vigorous visual inspections and water quality monitoring at the outfall and in the areas surrounding the outfall.

Going forward, U. S. Steel and participating government agencies will continue to monitor water at and around the outfall. Once all lines are operating, U. S. Steel will continue to sample the facility every two hours for an additional 24 hours. If all sample results are within compliance with permit limits, then the following sampling protocol will be followed throughout the Month of April:

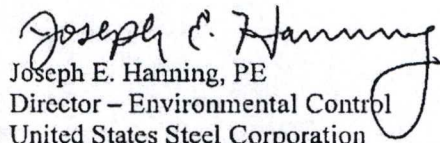
- Daily grab sampling at Outfalls 104 and 204 for hexavalent chromium
- Daily 24 hour composite sampling at Outfalls 104 and 204 for total chromium

Based on the results of the NPDES 24 hour composite samples taken during the event, approximately 346 lbs. of total chromium were discharged through Outfall 004 via Bubble Outfall 304 between April 11, 2017 and April 12, 2017. Based on the information we have to date, of the 346 lbs. of total chromium released, approximately 298 lbs. were comprised of hexavalent chromium.

U. S. Steel requests that this submittal be afforded confidential treatment under all applicable statutes.

If you have any questions about this matter, please call me at (219) 888-4500 or email me at JEHanning@uss.com.

Sincerely,


Joseph E. Hanning, PE
Director - Environmental Control
United States Steel Corporation

Gary Works, Midwest Plant, East Chicago Tin

CC: Nicole Gardner (electronic)
Indiana Department of Environmental Management
Office of Water Quality
NPDES Permits Section
100 North Senate Avenue
Indianapolis, IN 46204-2251

N. Ream - IDEM Northwest Regional Office
D. Smiga - U. S. Steel
M. Henry - U. S. Steel
E. Williams - U. S. Steel
R. Casselberry - U. S. Steel



United States Steel Corporation – Gary Works
One North Broadway, MS 70-A
GARY, IN 46402

VIA CERTIFIED MAIL 7017 0660 0000 8308 3919

October 31, 2017

David Greinke
Office of Water Quality
Indiana Department of Environmental Management
100 North Senate Avenue – Post Office Box 6015
Indianapolis, IN 46206

Subject: United States Steel Corporation Gary Works – Midwest Plant
NPDES Permit IN0000337
Total Chromium Exceedance Outfall 304

Dear Mr. Greinke

This letter is the written five-day submission regarding a total chromium exceedance at the U. S. Steel Corporation Gary Works – Midwest Plant (“Midwest”) Outfall 304 (NPDES Permit IN0000337 effective April 1, 2016). The total chrome loading for the 24-hour period from 7:00 am October 25, 2017 through 7:00 am October 26, 2017 at Outfall 304 was 56.7 lbs/day as compared to the Permit limit of 30.0 lbs./day. Outfall 304 is an administrative outfall that is the sum of the reported mass of both internal Outfalls 104 and 204. The reported mass during this period was 0.06 lbs/day and 56.7 lbs/day, at Outfalls 104 and 204, respectively. The sample collected at Outfall 204 was retested and the results verified. IDEM was notified at 11:26 am on October 27, 2017 via telephone.

At 7:43 am on October 26th, 2017, USS management was notified by the technician who was collecting samples that the daily 24-hour composite sample for Outfall 204 was discolored. Upon visual confirmation by USS management of the discoloration, U. S. Steel immediately began the process of shutting down “A” train of the chrome treatment plant, and bringing the parallel “B” train online. “B” train not running at the time the discoloration was identified. At roughly 8:10 am “B” train was in operation and “A” train was no longer discharging. As “A” train was the source of the discoloration, when “B” train was brought online the discoloration of the effluent ceased. Investigation revealed that flow through the “A” train lamella clarifier was not uniform across the lamella due to heavier solids buildup on one side of the lamella, and as a result there was excessive solids carryover. The sludge in the lamella was pumped out to restore uniformity to the flow through the lamella. Upon removing the sludge build-up in the “A” train lamella clarifier, “A” train was put into recirculation mode. During recirculation mode the discharge of “A” train is recirculated back to the influent of the chrome treatment plant in order to verify uniform flow through “A” train’s lamella clarifier. This ensured that excessive solids carryover was no longer occurring, and that “A” train was ready to be put back into service when needed.

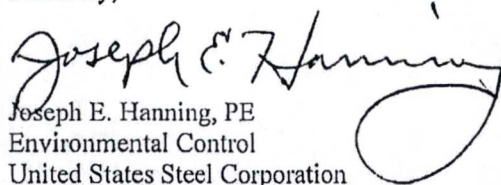
Midwest continues to evaluate future actions as a result of this incident and has so far determined these steps to help prevent reoccurrence:

1. Re-train operators
2. Enhance turbidity monitoring configuration to more accurately reflect lamella clarifier performance.

U. S. Steel requests that this submittal be afforded confidential treatment under all applicable statutes.

If you have any questions about this matter, please call me at (219) 888-4500 or email me at JEHanning@uss.com.

Sincerely,

A handwritten signature in black ink, reading "Joseph E. Hanning". The signature is fluid and cursive, with a large, stylized loop at the end of the last name.

Joseph E. Hanning, PE
Environmental Control
United States Steel Corporation
Gary Works, Midwest Plant, East Chicago Tin